

CHAPTER 1278

**APPROPRIATIONS AND RELATED MATTERS FOR PUBLIC DEFENSE,
PUBLIC SAFETY, AND TRANSPORTATION**

S.F. 2314

AN ACT relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund and abstract fee fund, appropriating moneys to the permanent school fund, providing an increase in the abstract fee, mandating reports of certain agency purchases, mandating adoption of rules governing registration and titling of motor vehicles, renaming the chief executive officer of the department of public safety, changing provisions of the Code relating to application of certain transportation safety regulations, repealing provisions of the Code requiring woodlands, wetlands, public parks, and prime agricultural land to be protected in the design, construction, and reconstruction of highways, and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

IOWA LAW ENFORCEMENT ACADEMY

Section 1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, for salaries and support of not more than twenty-two point two full-time equivalent positions, maintenance, and miscellaneous purposes, including jailer training and technical assistance:

..... \$ 707,165

Sec. 2. Notwithstanding section 80B.11, subsection 5, during the fiscal year beginning July 1, 1988, not more than one-half of the cost of providing cognitive and psychological examinations of law enforcement officer candidates may be charged for taking the examinations by the Iowa law enforcement academy. However, no charge shall be made for officer candidates being tested on behalf of state departments or agencies.

The Iowa law enforcement academy may also charge not more than one-half of the cost of providing the ten-week course which is designed to meet the minimum basic training requirements for a law enforcement officer. However, a charge shall not be made for officers employed by state departments or agencies.

Sec. 3. The Iowa law enforcement academy is projected to raise at least an additional two hundred one thousand (201,000) dollars in receipts and federal funds.

DEPARTMENT OF PUBLIC DEFENSE

Sec. 4. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries and support of not more than one hundred thirty-nine point forty-two full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 3,256,709

Notwithstanding section 29A.33, the per capita annual allowance to units will be five dollars per capita to be paid on a semiannual basis in installments of two dollars fifty cents per capita for the fiscal year beginning July 1, 1988, and ending June 30, 1989. The per capita allowance shall be used for morale purposes and be for the welfare of the troops and in no circumstances expended for support and maintenance.

2. For the war orphans educational aid fund:	\$ 15,185
3. For salaries and support of not more than three full-time equivalent positions, maintenance, and miscellaneous purposes for the purpose of emergency response planning:	\$ 106,837

Sec. 5. Notwithstanding section 384.15, subsection 7, paragraph "b", there is appropriated from the unencumbered and unobligated funds remaining in the law enforcement training reimbursement fund on June 30, 1988, to the department of public defense for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of eighty-six thousand (86,000) dollars, or so much thereof as is necessary, for purposes of preventing the contamination of the ground-water in the Camp Dodge area.

Sec. 6. The department of public defense is projected to raise at least an additional three million one hundred fifty thousand (3,150,000) dollars in receipts and federal funds.

DEPARTMENT OF PUBLIC SAFETY

Sec. 7. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

1. For the department's administrative functions including the medical examiner's office and the criminal justice information system, the sum of one million nine hundred thirty-five thousand six hundred eight (1,935,608) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, no more than one million four hundred twenty thousand three hundred thirty-five (1,420,335) dollars from all revenue sources, plus an allocation from the salary adjustment fund pursuant to section 8.43, may be expended for salaries and benefits for not more than forty-five full-time equivalent positions and not more than one million one hundred seventy-one thousand four hundred twenty-three (1,171,423) dollars from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

2. The balance of the fund created under section 321J.17 carried forward for the fiscal year beginning July 1, 1988, and ending June 30, 1989, may be used to provide salary and support of not more than eight point five full-time equivalent positions and maintenance for the victim compensation functions of the department of public safety.

3. For purposes relating to radio communications, the sum of two million eight hundred twenty-five thousand two hundred ninety-two (2,825,292) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, no more than two million two hundred eighty-two thousand eight hundred seventy-six (2,282,876) dollars from all revenue sources, plus an allocation from the salary adjustment fund pursuant to section 8.43, may be expended for salaries and benefits for not more than seventy-eight point five full-time equivalent positions and not more than five hundred fifty-four thousand six hundred sixty-six (554,666) dollars from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

4. a. For the division of criminal investigation containing the bureaus of identification and liquor law enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, the sum of three million four hundred fifty-three thousand one hundred eight (3,453,108) dollars, or so much thereof as is necessary, and

as a condition, limitation, and qualification of this appropriation, no more than four million one hundred sixty-eight thousand two hundred forty-nine (4,168,249) dollars from all revenue sources, plus an allocation from the salary adjustment fund pursuant to section 8.43, may be expended for salaries and benefits for not more than one hundred eleven full-time equivalent positions and not more than six hundred two thousand three hundred fifty-three (602,353) dollars from all revenue sources may be expended for support and miscellaneous purposes, including lease and lease purchase of laboratory equipment. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

b. Notwithstanding section 384.15, subsection 7, paragraph "b", there is appropriated from the unencumbered and unobligated money remaining in the law enforcement training reimbursement fund on June 30, 1988, to the department of public safety, division of criminal investigation, the sum of two hundred thousand (200,000) dollars, or so much thereof as is necessary, to be used for salaries, support, maintenance, and miscellaneous purposes.

5. For the pari-mutuel law enforcement agents, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, the sum of two hundred twenty-seven thousand six hundred sixty-five (227,665) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, no more than one hundred seventy-seven thousand three hundred thirty-six (177,336) dollars from all revenue sources, plus an allocation from the salary adjustment fund pursuant to section 8.43, may be expended for salaries and benefits for not more than five full-time equivalent positions and not more than fifty thousand three hundred twenty-nine (50,329) dollars from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

6. a. For the division of narcotics, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, the sum of nine hundred sixty-nine thousand fifteen (969,015) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, no more than eight hundred fifty-nine thousand eight hundred ninety-nine (859,899) dollars from all revenue sources, plus an allocation from the salary adjustment fund pursuant to section 8.43, may be expended for salaries and benefits for not more than twenty-three full-time equivalent positions and not more than one hundred thirty-two thousand six hundred sixteen (132,616) dollars from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

b. Notwithstanding section 384.15, subsection 7, paragraph "b", there is appropriated from the unencumbered and unobligated money remaining in the law enforcement training reimbursement fund on June 30, 1988, to the department of public safety, division of narcotics, the sum of two hundred thousand (200,000) dollars for undercover purchases by the division of narcotics and local law enforcement agencies.

7. For the fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, the sum of one million one hundred ninety-one thousand three hundred ninety-five (1,191,395) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, no more than one million one hundred fifty thousand two hundred nineteen (1,150,219) dollars from all revenue sources, plus an allocation from the salary adjustment fund pursuant to section 8.43, may be expended for salaries and benefits for not more than thirty-one full-time equivalent positions and not more than one hundred eighty-two thousand two hundred seventy-six (182,276) dollars

from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

8. For the capitol security division, the sum of nine hundred seventy-six thousand two hundred ninety-two (976,292) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, no more than nine hundred two thousand three hundred eighty-seven (902,387) dollars from all revenue sources, plus an allocation from the salary adjustment fund pursuant to section 8.43, may be expended for salaries and benefits for not more than thirty-six full-time equivalent positions and not more than seventy-three thousand nine hundred five (73,905) dollars from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

Sec. 8. There is appropriated from the road use tax fund to the department of public safety, division of highway safety and uniformed force, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used as follows:

1. The sum of nineteen million eight hundred ninety-nine thousand three hundred fifty-one (19,899,351) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, no more than sixteen million three hundred fifty-six thousand (16,356,000) dollars from all revenue sources, plus an allocation from the salary adjustment fund pursuant to section 8.43, may be expended for salaries and benefits for not more than four hundred forty-eight point five full-time equivalent positions and not more than four million ninety-nine thousand five hundred fifty-three (4,099,553) dollars from all revenue sources may be expended for support and miscellaneous purposes including federal Highway Safety Act programs, and the state's contributions to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, and as an additional condition, limitation, and qualification of this appropriation the Iowa law enforcement academy shall be allowed to annually select up to five automobiles of the department of public safety, division of highway safety and uniformed force, which are being turned in to the state vehicle dispatcher to be disposed of by public auction and the Iowa law enforcement academy shall be allowed to exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy, however, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of highway safety and uniformed force. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to these conditions.

However, the unfunded liability of the peace officers' retirement, accident, and disability system, as of July 1, 1986 shall not be considered a liability of the road use tax fund.

An employee of the department of public safety or its successor who retires after the effective date of this Act is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by the agreement. The employee shall be given credit for the service in that prior position as though it were covered by that agreement. This section shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

2. For the capital purchase of mobile vehicle repeater radios and test equipment to be used by the Iowa highway safety patrol, provided that only the lowest, most responsible bid is accepted by the department of public safety in the purchase of these motor vehicle repeater radios:

..... \$ 920,000

The mobile vehicle repeater radios are to be placed solely in motor vehicles used by members of the Iowa highway safety patrol below the rank of lieutenant for patrolling the highways.

3. For the purpose of making payments to the department of personnel for expenses incurred in administering workers' compensation on behalf of the highway safety division of highway safety and uniformed force:

..... \$ 55,544

4. For the purpose of making payments to the department of personnel for expenses incurred in administering the merit system on behalf of the highway safety division of highway safety and uniformed force:

..... \$ 50,000

Sec. 9. There is appropriated from the road use tax fund from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b" to the department of public safety the sum of six hundred thousand (600,000) dollars, or so much thereof as is necessary, for land acquisition, construction or purchase of a facility, and other miscellaneous expenses for a new highway patrol post with access to Interstate highways 29, 80, and 680 and the construction of the post's communication tower. Moneys appropriated under this section shall be repaid by the department of public safety to the road use tax fund by June 30, 1991.

Sec. 10. There is appropriated from the abstract fee fund created in section 321A.3A to the department of public safety, division of criminal investigation and bureau of identification for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of eight hundred fifty thousand (850,000) dollars, or so much thereof as is necessary, for salaries, support, maintenance, and miscellaneous purposes.

Sec. 11. The department of public safety is projected to raise at least an additional one million one hundred ninety-four thousand nine hundred twenty-nine (1,194,929) dollars in receipts and federal funds.

STATE DEPARTMENT OF TRANSPORTATION

Sec. 12. It is a condition, limitation, and qualification for moneys appropriated under this section that the state department of transportation provide the legislative fiscal bureau with copies of the minutes of all meetings of the state transportation commission which occur after the effective date of this Act at no cost to the legislative fiscal bureau, and provided that the condition, limitation, and qualification is met, there is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1. For salaries, support, maintenance, and miscellaneous purposes for:

a. Administrative services, fifty-two point seventy-five full-time equivalent positions:

..... \$ 3,068,632

b. General counsel, one point two full-time equivalent positions:

..... \$ 148,151

c. Planning and research, eight point six full-time equivalent positions:

..... \$ 286,216

d. Aeronautics and public transit, five full-time equivalent positions:	\$ 199,673
e. Motor vehicles, five hundred thirty-one point three full-time equivalent positions:	\$ 15,156,250
f. Rail and water, fifteen point four full-time equivalent positions:	\$ 586,878
2. For the purpose of making payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:	
3. Unemployment compensation:	\$ 16,000
	\$ 12,250

Sec. 13. There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of thirty-five thousand eighty (35,080) dollars, or so much thereof as is necessary, to be used for the purpose of paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation.

Sec. 14. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1. For salaries, support, maintenance, and miscellaneous purposes for:	
a. Administrative services, three hundred one point twenty-five full-time equivalent positions:	\$ 18,802,617
b. General counsel, six point eight full-time equivalent positions:	\$ 876,849
c. Planning and research, one hundred sixty-two point four full-time equivalent positions:	\$ 5,438,109
d. Aeronautics and public transit, five full-time equivalent positions:	\$ 199,673
e. Highways, two thousand eight hundred seventy-six full-time equivalent positions:	\$ 117,652,377
f. Motor vehicles, eighteen point seven full-time equivalent positions:	\$ 529,015
g. Rail and water, six point six full-time equivalent positions:	\$ 248,793
2. To be deposited in the state department of transportation's highway materials and equipment revolving fund established by section 307.47 for funding the increased replacement cost of vehicles:	\$ 2,000,000
3. For the purpose of making payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:	
4. Unemployment compensation:	\$ 304,000
	\$ 232,750

Sec. 15. There is appropriated from the primary road fund to the department of personnel for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of six hundred sixty-six thousand five hundred forty (666,540) dollars, or so much thereof as is necessary, for

the purpose of paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation.

Sec. 16. There is appropriated from the state aviation fund to the state department of transportation for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as may be necessary, to be used for the following purposes:

For salaries and support of not more than nine full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 348,654

Sec. 17. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used in the manner designated:

1. For repairing the laboratory lot of the Ames office complex:

..... \$ 150,000

The provisions of section 8.33 do not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, 1990, from funds appropriated for the fiscal year beginning July 1, 1988, shall revert to the fund from which appropriated on September 30, 1990.

2. For the replacement of obsolete field facilities located in the cities of Chariton, Waverly, and Maquoketa and the purchase of a parcel of land at Jefferson:

..... \$ 2,055,000

The state department of transportation shall continue its construction program of replacing obsolete field facilities and shall also conduct a needs assessment study of the department's maintenance facilities construction needs and shall present the findings of the study to the Seventy-third General Assembly in January 1990.

The state department of transportation shall complete the Greenfield field facility by June 30, 1991.

The provisions of section 8.33 do not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, 1992, from funds appropriated for the fiscal year beginning July 1, 1988, shall revert to the fund from which appropriated on September 30, 1992.

Sec. 18. Receipts from the sale of aircraft which were replaced under the appropriation provided under 1987 Iowa Acts, chapter 232, section 9, are appropriated from the state aircraft revolving fund to the state department of transportation for the fiscal year beginning July 1, 1988, and ending June 30, 1989, for the purposes of terminal improvements at essential air service airports. In selecting projects, the state department of transportation shall give preference to projects that will assist in maintaining and attracting air service. Priority shall be given to projects for terminals which need matching funds to receive federal moneys and which have annual enplanements of under forty thousand persons. The department shall provide funding for as many essential air service communities as possible.

Sec. 19. Notwithstanding section 423.24, and prior to application of section 423.24, subsection 1, paragraph "b", there is appropriated from revenues derived from the operation of section 423.7 to the state department of transportation for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of two hundred fifty thousand (250,000) dollars, or so much thereof as is necessary, for the purposes of terminal improvements at essential air service airports. In selecting projects, the state department of transportation shall give preference to projects that will assist in maintaining and attracting air service. Moneys appropriated under

this section shall be used only for new projects for terminals which have annual enplanements of under forty thousand persons. The department shall provide funding for as many essential air service communities as possible.

Sec. 20. There is appropriated to the state department of transportation from the revenue to be credited to the road use tax fund under section 423.24, subsection 1, paragraph "b", for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of two hundred thousand (200,000) dollars, or so much thereof as is necessary, for the purposes of a study and pilot projects to evaluate gaps in the federal aviation weather collection and dissemination system in Iowa. The results of the pilot projects and the study shall be used to make recommendations for a comprehensive, coordinated statewide system to meet the needs of Iowa aviation. The study shall be independently conducted but administered by the state department of transportation. The pilot projects shall include one weather observer only system and one semiautomated system.

CODE CHANGES

Sec. 21. Section 7E.4, subsection 5, Code 1987, is amended to read as follows:

5. "Head of the department" means the elective officer, director, commissioner, or other official in charge of a department.

Sec. 22. Section 80.2, Code 1987, is amended to read as follows:

80.2 DIRECTOR COMMISSIONER — APPOINTMENT.

The chief executive officer of the department of public safety is the director commissioner of public safety. The governor shall appoint, subject to confirmation by the senate, a director commissioner of public safety, who shall be a person of high moral character, of good standing in the community in which the director commissioner lives, of recognized executive and administrative capacity, and who shall not be selected on the basis of political affiliation. The director commissioner of public safety shall devote full time to the duties of this office; the director commissioner shall not engage in any other trade, business, or profession, nor engage in any partisan or political activity. The director commissioner shall serve at the pleasure of the governor, at an annual salary as fixed by the general assembly.

Sec. 23. Section 100.35, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The rules adopted by the state fire marshal under this section shall provide standards for fire resistance of cellulose insulation sold or used in this state, whether for public or private use. The rules shall provide for approval of the cellulose insulation by at least one nationally recognized independent testing laboratory.

Sec. 24. Section 302.1, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. All other moneys by law credited to the permanent school fund.

Sec. 25. NEW SECTION. 307.39 MAINTENANCE FACILITIES.

The department shall maintain maintenance facilities within the boundaries of every county with a population in excess of eight thousand persons in which the department maintains a maintenance facility as of January 1, 1988.

Sec. 26. NEW SECTION. 307.40 COPIES OF CONTRACTS TO LEGISLATIVE FISCAL BUREAU.

The department shall give a copy of each contract for construction or reconstruction of roads, streets, or bridges entered into by the department in which the contract price is for five million dollars or more to the legislative fiscal bureau.

Sec. 27. Section 307.47, Code 1987, is amended to read as follows:

307.47 MATERIALS AND EQUIPMENT REVOLVING FUND.

1. The highway materials and equipment revolving fund is created from moneys appropriated out of the primary road fund. From this fund shall be paid all costs for materials and supplies, inventoried stock supplies, maintenance and operational costs of equipment, and equipment replacements incurred in the operation of centralized purchasing under the supervision of the department's administrator of highways. Direct salaries and expenses properly chargeable to direct salaries shall be paid from the fund. For each month the director shall render a statement to each unit under the supervision of the administrator of highways for the actual cost of materials and supplies, operational and maintenance costs of equipment, and equipment depreciation used. The expense shall be paid by the administrator of highways in the same manner as other interdepartmental billings are paid and when the expense is paid by the administrator of highways, the sum paid shall be credited to the highway materials and equipment revolving fund.

2. If surplus accrues to the revolving fund in excess of one hundred thousand dollars for which there is no anticipated need or use, the governor shall order that surplus reverted to the primary road fund.

3. When the units under the supervision of the administrator of highways share equipment with other administrative units of the department, the director shall prorate the costs of the equipment among the administrative units using the equipment.

4. The department shall present a purchase report to the legislative fiscal bureau prior to the beginning of each regular annual session of the general assembly. The report shall cover all equipment and vehicle purchases through the highway materials and equipment revolving fund during the preceding fiscal year.

Sec. 28. Section 312.2, subsection 9, Code Supplement 1987, is amended to read as follows:

9. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the division of soil conservation in the department of agriculture and land stewardship ~~two~~ one hundred fifty thousand dollars from the road use tax funds. The division of soil conservation, in co-operation with the state department of transportation and the department of natural resources shall expend the funds, for the lease or other use of land intended for the planting or maintenance of wind erosion control barriers designed to reduce wind erosion interfering with the maintenance of highways in the state or the safe operation of vehicles on the highway. However, the funds shall not be expended for wind erosion control barriers located more than forty rods from the highway.

Sec. 29. Section 312.2, subsections 10 and 11, Code Supplement 1987, are amended by striking the subsections.

Sec. 30. Section 312.2, subsection 17, Code Supplement 1987, is amended to read as follows:

17. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the public transit assistance fund, created under section 601J.6, from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b", an amount equal to ~~one fortieth~~ one-twentieth of the revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b".

Sec. 31. **NEW SECTION. 312.2A ALLOCATIONS FOR TRAILS.**

1. There is appropriated from any private moneys received by the state for recreational trail development purposes to the state department of transportation for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of fifty thousand (50,000) dollars, or so much thereof as is necessary, to acquire land and other property to complete parts of existing

recreational trails including, but not limited to, the Cedar Valley nature trail, the Heritage trail, the Grundy county nature trail, and the Comet trail as provided in section 111F.2, subsection 3.

2. The treasurer of state, before making the allotments provided for in section 312.2, shall credit for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the state department of transportation one hundred thousand dollars from the road use tax fund from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b". The state department of transportation shall expend the moneys to carry out the statewide trails development plan provided for in section 111F.2.

Sec. 32. Section 321.44, Code 1987, is amended to read as follows:

321.44 REGULATIONS GOVERNING CHANGE OF MOTORS ENGINES, DRIVETRAIN ASSEMBLIES AND RELATED PARTS.

The director is authorized to shall adopt and enforce such rules governing registration and titling of motor vehicles as may be deemed necessary by the director and compatible with the public interest with respect to the change or substitution of one engine in place of another engines, drivetrain assemblies or related parts in any motor vehicle.

Sec. 33. Section 321.462, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The connection between a truck tractor and a semitrailer with a gross weight of three thousand pounds or more shall be of a type approved by the director, and the commissioner is hereby given authority to approve or disapprove such types of connection submitted to the commissioner.

Sec. 34. Section 321A.2, subsection 1, Code 1987, is amended to read as follows:

1. The director shall administer and enforce the provisions of this chapter and may make rules necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the director under the provisions of sections 321A.4 to 321A.11.

Such ~~The~~ hearings shall be held before the director as early as practicable within not to exceed twenty days after receipt of such ~~the~~ request in the county ~~wherein~~ in which the requesting person resides unless the director and such ~~the~~ requesting person agree that such ~~the~~ hearing may be held in some other county. Upon such ~~the~~ hearing the director may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination under oath of the person requesting such ~~the~~ hearing.

Sec. 35. Section 321A.3, subsection 1, Code Supplement 1987, is amended to read as follows:

1. The director shall upon request furnish any person a certified abstract of the operating record of a person subject to chapter 321 or this chapter. The abstract shall also fully designate the motor vehicles, if any, registered in the name of the person. If there is no record of a conviction of the person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by the person, the director shall so certify. A fee of ~~four~~ five dollars shall be paid for each abstract except by state, county, city or court officials. The director shall transfer the moneys collected under this section to the treasurer of state who shall credit annually to the abstract fee fund created under section 321A.3A the first nine hundred fifty thousand dollars collected and shall credit to the general fund all additional moneys collected.

Sec. 36. Section 321A.3, subsection 2, Code Supplement 1987, is amended to read as follows:

2. A sheriff may provide an abstract of the operating record of a person to the person or an individual authorized by the person. The sheriff shall charge a fee of ~~four~~ five dollars for each abstract which the sheriff shall transfer to the director quarterly. The sheriff may charge an additional fee sufficient to cover costs incurred by the sheriff in producing the abstract.

Sec. 37. Section 321A.3, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The director may permit any person to view the operating record of a person subject to chapter 321 or this chapter through one of the department's computer terminals or through a computer printout generated by the department. The director shall not require a fee for a person to view their own operating record, but the director shall impose a fee of one dollar for each of the first five operating records viewed within a calendar day and two dollars for each additional operating record viewed within the calendar day.

Sec. 38. Section 321A.3, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Fees under subsections 1 and 5 may be paid by credit cards, as defined in section 537.1301, subsection 16, approved for that purpose by the director of transportation. The director shall enter into agreements with financial institutions extending credit through the use of credit cards to ensure payment of the fees. The director shall adopt rules pursuant to chapter 17A to implement the provisions of this subsection.

Sec. 39. Section 321A.3, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding chapter 22 or any other law of this state, except as provided in subsection 5, the director shall not make available an operating record in a manner which would result in a fee of less than that provided under subsection 1. Should the director make available copies of abstracts of operating records on magnetic tape or on disk or through electronic data transfer, the five dollar fee under subsection 1 applies to each abstract supplied.

Sec. 40. **NEW SECTION. 321A.3A ABSTRACT FEE FUND.**

1. There is created the abstract fee fund. Moneys shall be credited from the abstract fee fund as appropriated by the general assembly.

2. The treasurer of state, after crediting moneys appropriated from the abstract fee fund, shall credit any moneys remaining in the abstract fee fund on June 30 of each fiscal year to the road use tax fund to be applied toward the repayment of moneys allocated from the road use tax fund to the department of public safety under section 9 of this Act, until the moneys have been repaid in full.

MISCELLANEOUS PROVISIONS

Sec. 41. 1983 Iowa Acts, chapter 198, section 31, as amended by 1984 Iowa Acts, chapter 1309, section 9, is amended to read as follows:

SEC. 31. Notwithstanding the provisions of section 423.24, there is transferred from revenues collected under chapter 423 during the fiscal year beginning July 1, 1983, and ending June 30, 1984, from the use tax imposed on motor vehicles, trailers, and motor vehicle accessories and equipment under section 423.7 the sum of one million (1,000,000) dollars which shall be transferred to the state department of transportation for public transit assistance for the fiscal year beginning July 1, 1983, and ending June 30, 1984. The funds transferred under this section to the state department of transportation for public transit assistance shall be considered an interest-free loan of funds to be received for public transit assistance under the Surface Transportation Assistance Act of 1982 and the road use tax fund shall receive reimbursement of the loan during the fiscal period beginning July 1, 1984, and ending June 30, 1989 1994.

Each entity which has received a loan pursuant to this section shall have repaid twenty percent of the total amount of the loan by June 30, 1990, forty percent of the total amount of the loan by June 30, 1991, sixty percent of the total amount of the loan by June 30, 1992, eighty percent of the total amount of the loan by June 30, 1993, and the total amount of the loan by

June 30, 1994. If an entity fails to make a loan repayment as required under this section, the entire amount of the loan is immediately due and payable.

Sec. 42. 1987 Iowa Acts, chapter 232, section 1, unnumbered paragraph 2, is amended to read as follows:

Notwithstanding section 384.15, subsection 7, paragraph "b", there is appropriated from the unencumbered and unobligated money remaining in the law enforcement training reimbursement fund on June 30, 1987, to the Iowa law enforcement academy the sum of twenty-eight thousand two hundred (28,200) dollars for repair of a chiller unit, repair of a parking lot, the roof over the indoor firearms range, kitchen equipment, repair or replacement of carpet and replacement of a washing machine floors at the academy. Notwithstanding section 8.33, the unencumbered and unobligated funds remaining in the appropriation of this paragraph shall revert to the general fund on June 30, 1988.

Sec. 43. 1987 Iowa Acts, chapter 232, section 6, subsection 2, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Section 8.33 does not apply to the funds appropriated by this subsection. However, unencumbered or unobligated funds remaining on June 30, 1989, from funds appropriated under this subsection shall revert to the road use tax fund on June 30, 1989.

Sec. 44. 1987 Iowa Acts, chapter 232, section 10, is amended by adding the following new subsection:

NEW SUBSECTION. 6. To meet the requirements of the groundwater protection law by putting in place sniffer wells for the detection of leakage from underground storage tanks:
..... \$ 350,000

Section 8.33 does not apply to the funds appropriated by this subsection. However, unencumbered or unobligated funds remaining on June 30, 1989, from funds appropriated for the fiscal year beginning July 1, 1987, and ending June 30, 1988, shall revert to the fund from which appropriated on June 30, 1989.

Sec. 45. 1987 Iowa Acts, chapter 232, section 11, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Section 8.33 does not apply to the funds appropriated by this section. However, unencumbered or unobligated funds remaining on June 30, 1989, from funds appropriated under this section shall revert to the road use tax fund on June 30, 1989.

Sec. 46. 1987 Iowa Acts, chapter 232, section 15, subsection 3, is amended to read as follows:

3. Section 8.33 does not apply to the funds appropriated by this section. However, unencumbered or unobligated funds remaining on June 30, ~~1991~~ 1993 from funds appropriated for the fiscal year beginning July 1, 1987 shall revert to the fund from which appropriated on September 30, ~~1991~~ 1993.

Sec. 47. 1987 Iowa Acts, chapter 232, section 30, is amended to read as follows:

SEC. 30. 1986 Iowa Acts, chapter 1246, section 12, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Section 8.33 does not apply to the funds appropriated by subsection 5 of this section. However, unencumbered or unobligated funds remaining on June 30, 1991, from funds appropriated for the fiscal year beginning July 1, 1986, shall revert to the fund from which appropriated on September 30, 1991.

Sec. 48. 1987 Iowa Acts, chapter 233, section 120, subsections 2 through 4, are amended to read as follows:

2. There is appropriated from the road use tax fund of the state to the state department of transportation, for the fiscal year beginning July 1, 1987, the sum of ~~two~~ six hundred ninety-six thousand forty-five (~~296,045~~ 696,045) dollars, or so much thereof as may be necessary, to supplement other funds appropriated by the general assembly.

3. There is appropriated from the road use tax fund of the state to the department of public safety, for the fiscal year beginning July 1, 1987, the sum of ~~five~~ one million sixty-five thousand nine hundred eighteen (~~565,918~~ 1,065,918) dollars, or so much thereof as may be necessary, to supplement other funds appropriated by the general assembly.

4. There is appropriated from the primary road fund to the state department of transportation, for the fiscal year beginning July 1, 1987, the sum of ~~two~~ four million one hundred fifty-nine thousand seven hundred thirteen (~~2,159,713~~ 4,159,713) dollars, or so much thereof as may be necessary, to supplement other funds appropriated by the general assembly.

Sec. 49. 1987 Iowa Acts, chapter 233, section 120, is amended by adding the following new subsection:

NEW SUBSECTION. 7. There is appropriated from the road use tax fund of the state to the state department of transportation, administrative services, for the fiscal year beginning July 1, 1987, the sum of four hundred thousand (400,000) dollars, or so much thereof as may be necessary for the purposes of information processing adjustments. Section 8.33 does not apply to the funds appropriated by this subsection. However, unencumbered or unobligated funds remaining on June 30, 1989, from funds appropriated under this subsection shall revert to the road use tax fund of the state on July 1, 1989.

Sec. 50. 1988 Iowa Acts, Senate File 2070, section 7, is amended by striking the section and inserting in lieu thereof the following:

SEC. 7. Section 321.449, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding other provisions of this section, rules adopted under this section for a driver of a commercial vehicle shall not apply to a driver for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce, when the driver's commercial vehicle is not operated more than one hundred miles from the driver's work reporting location.

Sec. 51. 1988 Iowa Acts, Senate File 2196, section 8, is repealed.

Sec. 52. There is appropriated from the general fund to the permanent school fund the sum of fifty-five thousand (55,000) dollars.

Sec. 53. Moneys appropriated for any new program or function shall be used solely for that program or function and moneys shall not be transferred from such appropriations or used for any other purpose.

Sec. 54. The legislative fiscal bureau shall conduct a program evaluation of the administration of motor vehicles of the state department of transportation. The state department of transportation and the department of public safety shall cooperate with the legislative fiscal bureau in providing information required by the legislative fiscal bureau in the program evaluation. The legislative fiscal bureau shall make recommendations about the appropriateness of those functions in the state department of transportation. The recommendations shall be completed by December 1, 1988, and presented to the members of the general assembly.

Sec. 55. The legislative fiscal bureau shall conduct a study evaluating the administration of the department of public safety specifically identifying areas of duplication or overlap of

functions within the department of public safety and with other departments, and reviewing the organizational structure of the department of public safety. The study shall also evaluate the department of public safety's employee recruitment, management, and retention policies and practices. The department of public safety and other state departments and agencies shall cooperate with the legislative fiscal bureau in the study. The study shall, upon completion, be presented to the members of the general assembly. The study shall be completed by January 14, 1989.

Sec. 56. Each department of state government receiving appropriations under this Act, when making purchases of twenty-five thousand dollars or more for which the department does not have specific prior authority from the general assembly, shall notify the legislative fiscal bureau, department of management, and all of the members of the department's respective joint appropriation subcommittee at the time the bids are let.

Sec. 57. The director of public safety on June 30, 1988, is the commissioner of public safety on July 1, 1988.

Sec. 58. The Code editor shall amend all references in the Code to the director of public safety by striking the word "director" and inserting the word "commissioner".

Sec. 59. All federal grants to and the federal receipts of the agencies which are appropriated funds under this Act are appropriated for the purposes set forth in such federal grants and receipts unless otherwise provided by the general assembly.

Sec. 60. Senate File 2196* appropriated moneys to the state department of transportation for a network of commercial and industrial highways and other expenditures. However, the bill does not require a plan or budget for expenditures to be submitted. In order to effectively track the use of these moneys, the state department of transportation shall submit a spending plan on moneys appropriated to it under Senate File 2196* prior to an expenditure of moneys appropriated under Senate File 2196* to the legislative fiscal bureau and each member of the fiscal committee of the legislative council. The state department of transportation shall report to the legislative fiscal bureau and each member of the fiscal committee of the legislative council by January 1, 1989, expenditures made to date in regard to moneys appropriated to the department under Senate File 2196.* The state department of transportation shall include in future long range programs adopted pursuant to section 307A.2, subsection 12, spending plans on moneys appropriated to it under Senate File 2196.* The state department of transportation's budget request for the fiscal year beginning July 1, 1989, and ending June 30, 1990, shall address any full-time equivalent positions required for the implementation of Senate File 2196.*

Sec. 61. This section, section 7, section 43, and section 45 of this Act take effect June 30, 1988.

Sec. 62. This section and sections 28, 31, 35 through 40, 42, 44, 47, 48, 49, and 60 of this Act, being deemed of immediate importance, take effect upon enactment.

Approved April 15, 1988, except the item which I hereby disapprove and which is designated as section 53. My reasons for vetoing this item are delineated in the item veto message pertaining to this Act to the President of the Senate on this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

Dear Madam President:

I hereby transmit Senate File 2314, an Act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund and abstract fee fund, appropriating moneys to the permanent school fund, providing an increase in the abstract fee, mandating reports of certain agency purchases, mandating adoption of rules governing registration and titling of motor vehicles, renaming the chief executive officer of the department of public safety, changing provisions of the Code relating to application of certain transportation safety regulations, repealing provisions of the Code requiring woodlands, wetlands, public parks, and prime agricultural land to be protected in the design, construction, and reconstruction of highways, and providing effective dates.

Senate File 2314 is approved with the following exception which I hereby disapprove.

I am unable to approve the item designated as Section 53 of Senate File 2314.

Section 53 of this bill restricts the use of funds appropriated for new programs. In effect, this provision abrogates administrative transfer authority included in Section 8.39 of the Code.

While I approve of the new programs included in this bill and plan to ensure the appropriate administration of them, I cannot accept the language which limits the ability of the executive branch to transfer funds in the event of a budget shortfall. In fact, new programs often have substantial lead times and thus the first full-year appropriation often remains partially unspent. In the event of a budget shortfall in the state, utilization of this transfer authority could be essential to avoid the elimination or the drastic cutbacks of other existing programs.

Therefore, the executive branch needs to maintain the flexibility of the current budget transfer authority.

Senate File 2314 also includes a provision which authorizes the Department of Public Safety to construct or purchase a facility for a new State Patrol Post with access to Interstates 29, 80, and 680. While I am approving the appropriation for that purpose, I am concerned about the impact of moving the area post and communications facility from its present Atlantic headquarters. Therefore, I approve this appropriation with the understanding that the communications center will remain in Atlantic. This community has fought back from the farm crisis and is now rebounding economically. Maintaining this communications center will provide Atlantic's recovering economy with additional stability.

For the above reasons, I hereby respectfully disapprove the designated item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2314 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1279

APPROPRIATION FOR CLAIMS AGAINST THE STATE

S.F. 2315

AN ACT making an appropriation from the road use tax fund of the state to a certain person in settlement of claims made against the state of Iowa.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the road use tax fund to the following person the amount set opposite the person's name in full settlement of all claims which the person has against the state of Iowa:

<u>Claimant</u> <u>Name</u>	<u>Claim No.</u>	<u>Nature</u> <u>of Claim</u>	<u>Amount</u>
Kewin Auto Company, Inc. Griswold, Iowa	C-87-0373	License fee refund	\$190.00

Sec. 2. The general assembly disapproves of all other claims submitted and considered by the committee on claims as of January 14, 1988.

Approved April 27, 1988

CHAPTER 1280

FEDERAL FUNDS APPROPRIATED AND ALLOCATED

S.F. 2323

AN ACT appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES APPROPRIATION.**

1. There is appropriated from the fund created by section 8.41 to the Iowa department of public health, two million eight hundred thirty-nine thousand (2,839,000) dollars for the federal fiscal year beginning October 1, 1988. Funds appropriated by this section are the anticipated funds to be received from the federal government for the designated federal fiscal year under 42 U.S.C. § 300w et seq., which provides for the alcohol and drug abuse and mental health services block grant. The department shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Of the funds appropriated in this subsection, an amount not exceeding twenty-seven thousand four hundred ninety-seven (27,497) dollars shall be used for audits. The auditor of state shall bill the Iowa department of public health for the cost of the audits.